

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

DUSTIN KEELING,	)	CASE NO. 5:12CV3015
	)	
PLAINTIFF,	)	JUDGE SARA LIOI
	)	
vs.	)	<b>MEMORANDUM OPINION</b>
	)	<b>AND ORDER</b>
JAMES DARNELL, et al.,	)	
	)	
DEFENDANTS.	)	

Before the Court is the report and recommendation (“R&R”) of the Magistrate Judge in the above-entitled action, recommending that the case be dismissed without prejudice for want of prosecution. (Doc. No. 17.) Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [ . . . ]

28 U.S.C. § 636(b)(1)(C).

The R&R was filed on April 2, 2013. The docket reflects that a copy was mailed to plaintiff on that same date. Under Fed.R.Civ.P. 6(d), an additional three days are added when computing service. Therefore, objections were due by April 19, 2013.

No objections were filed on or before that deadline. The failure to file written objections to a Magistrate Judge’s report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985), *reh’g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and accepts the same. Accordingly, the Court concludes that this case should be dismissed without prejudice for want of prosecution.

**IT IS SO ORDERED.**

Dated: April 24, 2013

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**